



UNITED STATES  
**SECURITIES AND EXCHANGE COMMISSION**  
 NEW YORK REGIONAL OFFICE  
 BROOKFIELD PLACE, 200 VESEY ST., SUITE 400  
 NEW YORK, NEW YORK 10281-1022

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
FILED 3/28/14
TELEPHONE: (212) 330-0093

March 27, 2014

**BY EMAIL**

Honorable Richard J. Sullivan  
 United States District Court Judge  
 Southern District of New York  
 40 Centre Street  
 New York, NY 10007

**MEMO ENDORSED**

**Re: SEC v. Amerindo Investment Advisors Inc., et al., 05-Civ.- 5231  
(RJS)/Presentment of Proposed Default Judgment**

Dear Judge Sullivan:

By Order to Show Cause (“OSC”) entered on March 4, 2014, the Court directed the Entity Defendants<sup>1</sup> to respond in writing, through counsel, to plaintiff Securities and Exchange Commission’s (“Commission”) request for a default judgment by March 21, 2014, and to appear, through counsel, at a hearing on the requested default judgment on April 2, 2014, at 10:00 a.m.

The Commission staff served copies of the OSC and accompanying papers on Alberto W. Vilar and Gary Alan Tanaka, officers of the Entity Defendants, and on their individual counsel, Vivian Shevitz, Esq., by overnight mail on March 4, 2014. (Dkt. # 385) By declaration dated March 9, 2014, Ms. Shevitz, on behalf of Messrs. Vilar and Tanaka, advised the Court, *inter alia*, that the “Entity Defendants cannot retain counsel.” (Dkt. # 398 at ¶ 4) Consistent with that representation, the Entity Defendants failed to respond to the Commission’s request for a default judgment in writing, through counsel, by March 21, 2014, as directed by the Court in the OSC.

In light of the fact that the Entity Defendants have failed to respond to the OSC, and counsel for the officers of the Entity Defendants has advised the Court that the Entity Defendants will not retain counsel, the Commission staff respectfully requests that the Court enter the proposed default judgment without a hearing.

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<sup>1</sup> The Entity Defendants are Amerindo Investment Advisors Inc., Amerindo Investment Advisors, Inc., Amerindo Advisors UK Limited, Amerindo Management Inc., Amerindo Technology Growth Fund, Inc., Amerindo Technology Growth Fund II, Inc., and Techno Raquia, S.A.

A copy of the proposed default judgment, reviewed by the Clerk of the Court, as well as a word version of the proposed default judgment, are attached. Of course, unless directed otherwise, the Commission staff will appear at the hearing scheduled for April 2, 2014, at 10:00 a.m.<sup>2</sup>

Respectfully Submitted,



Neal Jacobson

Cc (via email):

Vivian Shevitz ([Vivian@shevitzlaw.com](mailto:Vivian@shevitzlaw.com))  
Jane Simkin Smith ([jssmith1@optonline.net](mailto:jssmith1@optonline.net))  
David C. Burger ([dcb@robinsonbrog.com](mailto:dcb@robinsonbrog.com))  
Ian Gazes ([ian@gazesllc.com](mailto:ian@gazesllc.com))

IT IS HEREBY ORDERED THAT the Court will hold the previously scheduled default judgment hearing before entering default judgment, as is the Court's usual practice.



SO ORDERED  
RICHARD J. SULLIVAN  
U.S.D.J.  
3/28/14

<sup>2</sup> As set forth in the Commission's papers accompanying its request for a default judgment, the amount of civil money penalty sought by the Commission is left blank on page 5 of the proposed default judgment, as that number is subject to the Court's discretion.